

**OPINION
51-21**

February 23, 1951 (OPINION)

CITIES

RE: Use of Park District Funds

Your letter of February twenty-first addressed to the Attorney General has been received. In this letter you ask for an opinion as to whether or not the park district of the city of Crosby owning a park four and one-half miles from the city has the right to use park funds for the improvement of the highway between the city and the park.

We assume that Crosby is incorporated as a city and for that reason, under the provisions of section 40-4912, subdivision 1, the city is not affected by the one mile limit which applies to villages.

Subdivision 2 of said section gives the commissioners of the park board the authority to lay out, open, grade, curb, pave, and improve any path, way, or street, in, through, or around the park.

We agree with the sentiments stated in your letter that it must necessarily follow that where the park has been established, the park board would have a right to lay out and improve an access road, the park being mainly for the use of the citizens of the city of Crosby and the county of Divide, and the purpose of the park would be defeated if there was no passable access road. We, therefore, hold that the commissioners of the park district would be within their authority in spending funds under their supervision for the improvement of the access road from Crosby to the park.

ELMO T. CHRISTIANSON

Attorney General